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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,050	04/02/2004	Dethe Elza	413478006US	2237
25/096 7590 03/17/2008 PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247				
EXAMINER BASHORE, WILLIAM L.				
ART UNIT 2176		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,050

Applicant(s)

ELZA ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is responsive to the following communications: amendment filed 11/30/2007.
2. Claims 1-19 are currently pending, with claims 1, 8, 10, and 13 being the independent claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **The claimed invention (as claimed in claims 8-19) is directed to non-statutory subject matter.**

In regard to independent claim 8, and dependent claim 9, claim 8 (and claim 9) recite a “computer readable medium for creating...”. As such, said claims are not limited to concrete and tangible subject matter because said claimed medium does not recite that it comprises computer readable instructions stored thereon.

In regard to independent claims 10, 13, each said claim recites a system. However, the instant Specification and the claim language do not specify that the claimed invention includes hardware. As such, the language of the claim merely describes a computer program per se. This raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

In regard to dependent claims 11-12, 14-19, said claims are rejected for fully incorporating the deficiencies of their respective base claims.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Iverson, Lee, “NODAL: A Filesystem for Ubiquitous Collaboration,” Whitepaper, SRI International, September 20, 2001 [hereinafter “NODAL”].

Regarding **independent claim 1**, NODAL teaches:

*A method in a computer system for loading a version of a hierarchical document, comprising:
creating a snapshot of the hierarchical document;*

(It is noted that a snapshot is defined in the application as follows: “A snapshot completely describes a document at a certain time.” See disclosure, paragraph [0081]. NODAL teaches a “cursor object,” which is time stamped, to implicitly access the state of the document at the time of the timestamp within the “HistoryWalker class.” See, NODAL, downloaded page 21. Therefore, NODAL teaches a “snapshot” as defined in the specification.)

storing a modification made to the hierarchical document;

(See, NODAL, downloaded page 21, teaching that a chain of previous versions is stored.)

receiving a request for a version of the hierarchical document;

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((See, NODAL, downloaded page 21, teaching that the document may be reconstructed using the “HistoryWalker class.”)

locating a snapshot near the requested version of the hierarchical document;

(See, NODAL, downloaded page 21, teaching that the document may be reconstructed using the “HistoryWalker class.”)

loading the located snapshot; and

(See, NODAL, downloaded page 21, teaching to replay the changes made in a document.)

using the stored modification to re-create the requested version...the hierarchical document.

(See, NODAL, downloaded page 21, teaching to replay the changes made in a document.). Page 21 of NODAL teaches mutations (i.e. changes, additions, removals, etc.) of a document are stored in the form of nodes. Replaying document changes entails sorting the nodes in a queue, and navigating the node history (as applied to the document) accordingly, so as to recreate the “snapshots” of a document.

Regarding **dependent claim 2**, NODAL teaches:

The method of claim 1 wherein a first snapshot is closer to the requested version than a second snapshot when the first snapshot was created closer in time to a requested time than the time at which the second snapshot was created.

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 3**, NODAL teaches:

The method of claim 1 wherein a first snapshot is closer to the requested version than a second snapshot when fewer modifications are stored between the first snapshot and the requested version than between the second snapshot and the requested version.

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 4**, NODAL teaches:

The method of claim 1 wherein the request is received at a server computing device from a client computing device.

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(See NODAL, downloaded pages 20-22, teaching that the document may be constructed from a snapshot including data on a computer other than the one with the history repository.)

Regarding **dependent claim 5**, NODAL teaches:

The method of claim 1 wherein the request is generated by a client computing device in response to a message from a server computing device to undo changes the client computing device applied to a local copy of the hierarchical document.

(See, NODAL, downloaded page 27, teaching that the client and sever may exchange messages regarding a contemplated mutation. See also, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 6**, NODAL teaches:

The method of claim 1 wherein the method is performed by a client computing device.

(See, NODAL, downloaded pages 24 and 27, teaching that access to the system, including the function of a “snapshot” may be from a client computer.)

Regarding **dependent claim 7**, NODAL teaches:

The method of claim 1 wherein the method is performed by a server computing device.

(See, NODAL, downloaded pages 10 and 27 teaching that the system may be implemented on a server.)

Regarding **independent claim 8**, NODAL teaches:

A computer-readable medium for creating a version of a hierarchical document, the hierarchical document having a node, comprising:

a snapshot of the hierarchical document, wherein the snapshot includes the node and any attributes relating to the node; and wherein...to the hierarchical document;

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Page 21 of NODAL teaches mutations (i.e. changes) of a document are stored in the form of nodes. Replaying document changes entails sorting the nodes in a queue, and navigating the node history (as applied to the document) accordingly, so as to recreate the “snapshots” of a document.

an indication of a mutation applied to the node, wherein the indication includes a time the mutation was applied.

(See, NODAL, downloaded page 21, teaching that the versioning function “snapshot” has a timestamp and that the timestamp is part of the attribution maintained in the node history.)

Regarding **dependent claim 9**, NODAL teaches:

The computer-readable medium of claim 8 wherein the indication of a mutation includes a user requesting the mutation.

(See, NODAL, downloaded page 20, teaching that the file system may also store user attributions to the file attribution, which also includes the last modification time.)

Regarding **independent claim 10**, NODAL teaches:

A system for loading a version of a hierarchical document, the hierarchical document having a node, comprising:

a component that stores a snapshot of the hierarchical document, the snapshot including the node, the snapshot...to the hierarchical document;

a component that stores a mutation applied to the node; and

a component that removes ...of the hierarchical document;

a component that loads a version of the hierarchical document.

(See, NODAL, downloaded pages 18-22, teaching storing a snapshot of a hierarchical document, including the node, storing the mutations applied to the node in the node attributes, and having the function to reconstruct any version of the stored hierarchical document.)

Page 21 of NODAL teaches mutations (i.e. changes, additions, removals, etc.) of a document are stored in the form of nodes. Replaying document changes entails sorting the nodes in a queue, and navigating the node history (as applied to the document) accordingly, so as to recreate the “snapshots” of a document.

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Regarding **dependent claim 11**, NODAL teaches:

The system of claim 10 wherein the loading includes loading a snapshot near an indicated version and applying stored mutations.

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 12**, NODAL teaches:

The system of claim 11 wherein the loaded snapshot is nearer the indicated version than another snapshot.

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **claims 13-19**, claims 13-19 incorporate substantially similar subject matter as claimed in claims 1-7, respectively, and are rejected along the same rationale.

5. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Arguments

6. Applicants' arguments filed 11/30/2008 have been fully and carefully considered, but they are not persuasive.

Applicant's amendment to the independent claims significantly changes the scope of the claimed invention when interpreted as a whole.

Applicant argues that NODAL teaches that the cursor cannot modify the document. The examiner respectfully disagrees. Page 21 of NODAL teaches mutations (i.e. changes, additions, removals, etc.) of a document

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are stored in the form of nodes. Replaying document changes entails sorting the nodes in a queue, and navigating the node history (as applied to the document) accordingly, so as to recreate the “snapshots” of a document.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571)272-4088. The examiner can normally be reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William L. Bashore/
William L. Bashore
Primary Examiner
Tech Center 2100

March 2, 2008